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COMMONWEALTH OF VIRGINIA

STATE CORPORATION COMMISSION

AT RICHMOND, AUGUST 21, 2002

APPLICATION OF
XO VIRGINIA, L.L.C.

CASE NO. PUC-2002-00071

For limited waivers of price
ceilings for directory
assistance and request for
expedited review

FINAL ORDER

On April 9, 2002, XO Virginia, L.L.C. ("XO" or the "Applicant"), filed an application requesting the State Corporation Commission ("Commission") approve a limited waiver of the price ceiling applicable to the Applicant's Directory Assistance with Call Completion service¹ pursuant to 20 VAC 5-400-180 D 3 d of the Commission's Rules Governing the Offering of Competitive Local Exchange Telephone Service.²

On May 21, 2002, the Commission issued an Order Prescribing Notice and Inviting Comments and/or Requests for Hearing.³

Interested parties were afforded the opportunity to comment and/or request a hearing on XO's application. No comments or

¹ XO automatically provides Call Completion services to customers using its Directory Assistance service at no additional charge.

² 20 VAC 5-400-180 D 3 d provides that "the [C]ommission may permit pricing structures or rates of a new entrant's local exchange service(s) that do not conform with the established price ceilings, unless there is a showing that the public interest will be harmed."

³ The May 21, 2002, Order was amended on June 10, 2002.

requests were filed with the Commission by the June 27, 2002, deadline.

XO argues that its service differs from that of the incumbent local exchange carrier in that it provides Call Completion at no additional charge and that Directory Assistance may be used to access national numbers for the same price as for local numbers. The Applicant further states the service cannot be properly priced at or below that of the incumbent's separate local Directory Assistance and Call Completion services.

NOW THE COMMISSION, having considered the application and giving due regard to the public interest considerations involved, is of the opinion that it should be denied.

The Commission finds that customers must easily obtain directory listings. As we recently noted in our July 11, 2002, Final Order in Case No. PUC-2002-00005:

An essential part of furnishing telephone service is the furnishing of numbers necessary to reach others. . . .The fact remains that customers cannot use telephone service unless they have the number of the party they want to reach. These numbers should, within reason, be easily accessible to all customers.⁴

⁴ Application of Cox Virginia Telecom, Inc., For waivers of the Three-Call Allowance Requirement, price ceilings for directory assistance, directory listings, and certain operator services, and request for expedited review, quoting Application of the Virginia Telephone Association, For authority to reduce the free call allowance for directory assistance calls, Case No. PUC-1989-00025, Final Order, 1990 S.C.C. Ann. Rept. 241 (June 7, 1990).

We have concerns that waiving the price ceiling for directory assistance services could lead to unrestrained price increases for such services. This may cause directory information to become inaccessible to some customers. We find, therefore, that a waiver may cause harm to the public interest.

Accordingly, IT IS THEREFORE ORDERED THAT:

(1) The application filed by XO is hereby denied.

(2) There being nothing further to come before the Commission, this case shall be dismissed and the papers herein placed in the file for ended causes.